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In re Application of
Gu, et al.
Application No. 09/496,318
Filed: February 1, 2000
Attorney Docket No. 3382-53698

**OFFICE OF PETITIONS
A/C PATENTS**

**DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)**

This is in response to the petition under 37 CFR 1.47(a) filed August 15, 2000.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1), (2), and (4) set forth above.

As to item (1), the petition lacks sufficient evidence that the non-signing inventor cannot be reached, was ever presented with a copy of the application papers (specification, claims and drawings), or, having been presented with the application papers, refused to sign the oath or declaration. The declaration of M. Pallemmaerts lacks support in that copies of correspondence purportedly mailed to the non-signing inventor has not been included. In addition, the declaration fails to set forth the manner in which the application papers were presented to the non-signing inventor.

Any renewed petition should be supported by copies of dated cover letters and/or mailing receipts sent to the non-signing inventor at the non-signing inventor's last known address as evidence that the non-signing inventor was presented with a copy of the application papers (specification, claims, and drawings) or having been presented with the application papers, refused to

sign the oath or declaration. Petitioner's attention is directed to MPEP 409.03(d) for further information on the presumptive evidence required for accordance of status under 37 CFR 1.47.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented.

As to item (4), the Office is unable to determine if the last known address stated in the petition is deemed to be a business address or residential mailing address. Any renewed petition should include clarification.

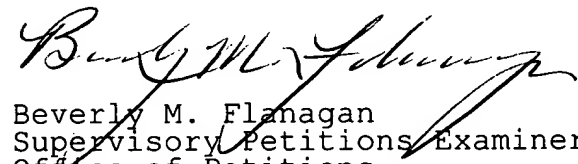
8/Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, DC 20231

By FAX: (703) 308-6916
Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy